IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 11868 of 2004

Between:

A.Subramanyam, S/o.Veera Raghavaiah,
R/o.1-8-557, R.T.C.'X' road, Hyderabad.

..... PETITIONER

AND

1 The Joint Transport Commissioner & Secretary, Regional Transport Authority, Khairtabad, Hyderabad.
2 The Motor Vehicle Inspector, Jagtial, Karimnagar Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP/ 16U - 7999 seized under vehicle check report No.0483267, dated 28-5-2004 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH, Advocate.

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the stage of admission, made the following :

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner's vehicle has been seized when the Motor Vehicles Inspector found on check that no tax had been paid upto 30.06.2004, vehicle was being run without permit. Fitness Certificate, I/C and D/L were also not furnished. The petitioner contends that he had not paid the tax for the quarter ending 30.06.2004 as his Registration Certificate was impounded by the Motor Vehicles Inspector on 07.10.2003. These are the matters which will have to be considered during the enquiry by the respondents, which is yet to start.

In these circumstances, we dispose of the Writ Petition, directing the release of vehicle on payment of tax due. Rest of the matters may be decided by the respondents in the enquiry. Any observations made in this order shall not be taken as expression of our opinion, by the respondents who conducts the enquiry. No costs.

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(Bilal Nazki, J)

12th July, 2004.

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(P.S.Narayana, J)

N.B:-

C.C. in two days.

(B/o)

ajr.

To

1 The Joint Transport Commissioner & Secretary, Regional Transport Authority, Khairtabad, Hyderabad.
2 The Motor Vehicle Inspector, Jagtial, Karimnagar Dist.

3 Two C.Cs. to the Government Pleader for Transport, High Court buildings, Hyderabad (O.U.T).

4 Two C.D. Copies.